

BEFORE YOU REQUEST A SERVICE CONTRACT

DIVISION OF PROCUREMENT AND CONTRACTS INTRANET WEB SITE

@ http://adsc.caltrans.ca.gov/OPAC/pol_sys/purchas2.htm

Visit the Division of Procurement and Contracts (DPAC) website to obtain copies of forms, access to contract status reports, on-line Contract Manager training (CMIST), Emergency Contract Guidelines, and analyst's addresses and phone numbers.

ADM Form 2041: Sole Source Contracts, Business, Transportation and Housing Agency Exemption Request

Preapproval by the Business, Transportation and Housing Agency (BT&H) is required for sole source contracts and contract amendments unless an exemption has been granted to the Department by the Agency Secretary. Approval must be obtained before a Request for a Service Contract can be processed by DPAC. Contact DPAC if you have any questions. The list of contracts exempt from Agency approval is contained in the Caltrans Service Contracts Manual, Table 2.7. The manual is on the DPAC Intranet site at:

http://adsc.caltrans.ca.gov/OPAC/pol_sys/purchas2.htm

A request for preapproval to enter into a sole source contract is submitted using the form ADM 2041, Sole Source Contract, BT&H Agency Exemption Request. Signatures of the District Director or HQ Division Chief and the Deputy Director for the Program are required prior to approval of the Chief Deputy Director. This one page form contains all the signature requirements and does not require a Director's Office Transmittal Approval sheet.

These forms and instructions for processing and routing can be obtained from the DPAC Intranet site at:

http://adsc.caltrans.ca.gov/OPAC/pol_sys/userfrms.htm

Processing Time

Unless it is authorized to address an emergency as defined by law or Executive Order, work cannot begin until a contract is fully executed. Be sure to allow sufficient time to process your contract request before the date work is to begin. Normal processing times are:
2 months: Sole Source/Interagency/DGS MSA/DPA OSCI Three Party

3-4 months: Invitations for Bids

Commercial Services/Minor B Construction

5-6 months: Requests for Proposals

Consultant Services

6-7 months: Request for Qualifications

A&E, Environmental

Training Available for Contract Managers

Contract Management Information and Specialized Training (CMIST) is located at the DPAC Intranet website: <http://cmist.caltrans.ca.gov>

Department of General Services (DGS) one-day Contract Managers Workshop training schedule can be located at the DGS Intranet training website: <http://www.dgs.ca.gov/ols>

SECTION "A" - PROGRAM

- **Lines 1-4** - Self-explanatory, complete as directed.

Line 5 – In the future registration and certification in Contract Management Information and Specialized Training (CMIST) will be mandatory. Contract Managers should become registered and certified in CMIST. To become registered/certified, log on to the Intranet at: <http://cmist.caltrans.ca.gov> or call (916) 227-6105 (Calnet 498-6105).

- This interactive program contains information on general contract management topics as well as material on specific types of contracts. At the end of each module, trainees can take an exam on the module. Participants who pass the exam are registered and certified in the database for that module.
- A Contract Managers handbook is also available for reference. To obtain a copy of the condensed version of the Contract Managers Handbook contact DPAC at (916) 227-6000 or Calnet 498-6000, or if you have access to the Caltrans Intranet website, a copy of the full text of the handbook is available at: http://svs11.caltrans.ca.gov/OPAC/pol_sys/handbook/hn dbktoc.htm

SECTION "B" - CONTRACT REQUEST

Check all that are applicable:

- **New Contract.** Check this box if the request is a totally new request for services.
- **Renewal.** Check this box if the services have been previously contracted for and the current contract is going to expire. **Indicate the prior contract number and attach a copy of the original contract and any previous amendments.**
- **Amendment.** Check this box if the terms or conditions of a current contract are being changed. **Indicate the current contract number and attach a copy of the original contract and any previous amendments.**
- **Emergency.** Check this box if the request is for emergency services. An emergency contract is for services required to respond immediately to a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property or essential public services (PCC§ 1102).

It does not need to be advertised. Work can begin before a service contract is written. As a guideline, work should be started within ten days of the emergency and the service contract request submitted as soon as possible.

Emergency Guidelines and forms are available on the Caltrans Intranet website at:
http://adsc.caltrans.ca.gov/OPAC/pol_sys/addr2.htm

All other emergency contracts require the preapproval of the District Director or functional Deputy District Director or HQ Division Chief. A copy of the approval must accompany the service contract request or the appropriate signature must be placed on the emergency contract approval line of the 360.

A Director's Order is mandatory for emergency public works contracts, including equipment rental contracts (bare or operated) that exceed the cost limits established for Minor B public works contracts or the use of day labor in excess of the statutory cost limit. The Director's Order must be submitted with the service contract request before a contract can be written. If required, a copy of the G11 Budget Authorization must be submitted before the contract can be executed (Deputy Directive No. 26).

- **Minor B's.** Check this box if the request is for a public works contract (construction, improvements, alteration, a repair of a structure, or highway) currently less than \$117,000.

Hotel/Conference. Check this box if the request is for hotel or conference services. **Before submitting your request check with the** Accounting Service Center, Centralized Conference Service (CCS) Unit. The CCS unit provides conference coordinators who work in partnership with DPAC in preparing vendor contracts, processing the paperwork and approvals. Further information can be obtained by accessing the CCS website at:

<http://adsc.caltrans.ca.gov/ASC/conf/ccsguide.htm>

SECTION "C" - FUNDING INFORMATION

If you are unsure of funding information, check with your Budget/Special Fund Manager. All applicable boxes must be completed.

- **Source District/Unit** generally refers to who is paying for the work. The first two digits of the number assigned to the contract represent the district office.
- **Recipient (Charge) District** generally is the District for which the work is being performed and for which the contract is being written.
- **Expenditure Authorization (EA)/Sub Job** - Use the appropriate EA/Sub Job for the type of work or a specific project.
- **Special Designation** - Complete Special Designation if it applies to this contract.
- **Object Code** - Use the appropriate object code for the type of work and funding type (See Coding Manual).
- **Contract Amount** - For new contracts, indicate amount to be encumbered for each fiscal year and each E.A. on the appropriate line. If the work is to be bid, this will be an estimate.
- **Amendment Amount** - If an amendment, record only the EA and the total dollars being added by the amendment to the original contract.
- **Budget Item Number, Fund Title, Chapter, Statutes, Fiscal Year**

If unsure of Budget Item/Fund Title/Chapter/Statutes/FY, check with your Budget/Special Fund

Manager. (Example of Fund Title is "State Highway Acct".)

- **Capital Outlay** - Self-explanatory. If unsure, check with your Budget Manager.

NOTE: A&E Contracts: DPAC will send a copy of an A&E 360 request to the Division of Project Management to verify that the contract and funding appears in the Capital Outlay Support Tracking Report (COS). The contract will be processed unless DPAC receives notification from Project Management to stop the process.

SECTION "D" - FUNDING SOURCES

Indicate the percentage of federal, state, or local funding sources. If an "other" source is used, identify and indicate percentage. If you are not sure what the fund split should be, consult with your Budget/Special Fund Officer.

SECTION "E" - AMENDMENTS

Complete this section for amendments only. Provide the term and dollar amount of the original contract. For each amendment, including previous amendments and the one being requested, indicate any change in end dates associated with each amendment. Also note the amount of any funds added or deleted by each amendment. Provide the new contract total, inclusive of all amendments, in "Total".

SECTION "F" - FUNDING APPROVED BY BUDGET/SPECIAL FUND MANAGER

When funding is to be used from a special fund, obtain the approval of the Special Fund Manager. When funding originates from a unit or district other than the requester's unit or district, that unit/district's Budget Manager must also approve and sign on the line below the printed name. Required if applicable.

SECTION "G" - APPROVING MANAGER

Required. DPAC will return any requests that are not approved by the appropriate manager. "Appropriate" manager is at a level sufficient to authorize the activity and fund expenditure and must be a higher level than the contract manager named in Section A.

SECTION "H" - (Required) EMERGENCY CONTRACT OR 3-DAY AD MINOR B APPROVAL BY HQ DIVISION CHIEF OR DISTRICT DIRECTOR

Emergency Contract Approval

Signature of the District Director or functional Deputy District Director or HQ Division Chief is required. Signature is to certify that immediate action is needed to preserve life, health, state property or essential public services (emergency contracts are not advertised).

3-Day Ad for Minor B Construction Contracts.

Signature of the District Director is required. The following information must be submitted with the 360:

1. a justification in Item L as to why the work is urgent and why a contract must be executed within 30 days and work completed within 60 days;
2. plans, specifications and cost estimates;
3. right of way certifications and other required permits;
4. a list of bidders;
5. goals for DBE or DVBE participation are set or BEP approval has been obtained for no goals;
6. a list of DVBE or DBE firms, if there are no goals, which can work as prime contractors (copies of bid packages will be sent to them). See Section K, BEP No Goals justification requirements.

DPAC will return any request without the required signatures.

SECTION "I" - SCOPE OF WORK

Be sure to ATTACH A COMPLETE SCOPE OF WORK outlining what the contractor is to do and any special provisions for the work. The Contract Manager should be the same as listed on the form ADM 0360. List specifications, special provisions, licenses, permits, bonds, equipment required, site-inspection information, etc.

To assist you in writing a complete scope of work, a matrix is available listing various types of contracts as column headers and scope of work issues as row headers. This is an aid to help ensure that appropriate scope of work issues are addressed for each contract. This matrix is in both Excel and tables format and can be found in Contract's Intranet Customer Use Forms selection box after the bullet for these instructions.

The "Note" feature of Excel is used to give a more complete description of the issues and types of contracts listed. For Excel users, a "Note" can be accessed by putting the cursor in a cell with a red mark at the upper right-hand corner of the cell. Then, select "Note" from the "Insert" pull-down menu on the top menu bar and the note for that cell will be displayed.

For those without access to Excel, the tables format of the matrix will have all the notes as an attachment to the table.

SECTION "J" - START AND END DATES

In determining start date, consider the length of time it will take to complete the bid process, if required (see processing time). The start date indicated on the 360 may need to be changed due to processing

requirements. If this occurs, the contract analyst will notify the Contract Manager.

When the work must begin/end on specific dates, indicate those dates. For Minor B contracts, indicate the length of time for the contract, e.g. 30 days, etc. Contracts for ongoing services can usually be contracted for up to three years to lock in rates. If the service will take more than 12 months, provide a multi-year justification.

SECTION "K" - CIVIL RIGHTS BUSINESS ENTERPRISE PARTICIPATION GOALS

All contracts must address goals except the following:

Aircraft	Machine Repair
Armored Car	Medical Exams
Cooperative Agreements	Movers
Copiers	Native American Advisors
Couriers	Pagers
CSU Campuses	Photogrammetry*
CSU Foundations	Photoprocessing
DGS MSAs	Private Security
DGS MRAs	Proprietary Software Lic
Elevator Repair	PVEA
Equipment Rental	Railroad Companies
Expert Witness: Legal/ Tort/Condemnation	Revenue/Income
Financial Institutions	RW On-Call Property Mtc.
Fund Transfer Agreements	RW Title/Escrow
Government Agencies	Sheltered Workshops
Hotel/Room Rentals	UC Campuses
Income Contracts	UC RTAs
Interagency Agreements	UC Campuses
Joint Power Agreements	Voice Mail

SETTING CONTRACT GOALS

State/State Local Funded Contracts: If your contract is funded by State or State/Local funds, set goals for Disabled Veteran Business Enterprise (DVBE) subcontractor participation. The overall statewide annual departmental goal is 3%.

Federal Funded Contracts: If your contract is wholly or partially funded with Federal funds, set goals for Disadvantaged Business Enterprise (DBE) subcontractor participation. The overall statewide annual departmental goal is currently 17%.

Goals may be set at less than or greater than the annual goal established by the Department for a specific solicitation, project or contract. The Contract Manager has primary responsibility for setting goals. Civil Rights may assist the Contract Manager in setting goals. Sole source contracts or non-public agency contracts are subject to goals the same as contracts that are competitively bid.

When setting goals, the Contract Manager should evaluate: 1) the type of work to be performed; 2) items of work to be provided (materials, equipment, supplies or services); and 3) availability of subcontractors in the area where the work will be performed (Civil Rights generally recognizes a minimum of three (3) certified firms within 100 miles of the project to indicate sufficient subcontractor capability). Subcontractors must provide or perform a separate and distinct element of work that will be used during the term of the contract to fulfill the contract requirements.

NO GOALS JUSTIFICATION REQUEST

Contract Managers requesting that a contract be processed with **NO Goals** must place an "X" in the **NO Goals** box and attach a written justification, approved by Civil Rights prior to the submittal of your 360 to DPAC, detailing the reason for the request. The justification for no goals must contain a signature block for Civil Rights and, if the estimated cost of the work is over \$100,000, the signature of the HQ Division Chief or Deputy District Director is required on the justification. A list of potential certified firms that could perform as prime contractors must be attached to the justification request submitted to Civil Rights.

HOW TO OBTAIN NAMES OR TO DETERMINE AVAILABILITY OF DBE OR DVBE FIRMS IN GEOGRAPHIC AREA WHERE WORK IS TO BE PERFORMED:

Names of DBE or DVBE firms can be obtained in one of the following ways:

- Contact the Caltrans Civil Rights Business Enterprise Program at (916) 227-8937 to obtain an account/user identification number to access the Caltrans directory of certified firms entitled, "Disadvantaged Business (DBE) and Disabled Veterans Business Enterprises (DVBE)". Names can also be obtained from the DGS OSBCR website at: <http://www.osmb.dgs.ca.gov/>
- Access the Civil Rights BEP web page on the Internet at:

<http://www.dot.ca.gov/hq/bep/bepidx.htm> and import the directory or selected data into a relational database program (i.e. dBase III or higher, Excel, Access, Quattro Pro, etc.).
- Order hard copies of the directory from the Publications Distribution Unit, Division of Procurement and Contracts, 1900 Royal Oaks Drive, Sacramento, CA 95815, (916) 445-3520 or Calnet 8-485-3520.

Failure to provide a justification, a list of potential certified firms, or required signatures when no

goals are set will result in contract request form being returned and not processed.

The current Civil Rights DBE supportive services contractors are to be used only by prospective bidders. The supportive services contractors cannot provide names of DBE or DVBE firms to Caltrans staff.

SECTION "L" - WHY IS THE CONTRACT OR CONTRACT AMENDMENT NEEDED?

Explain why Caltrans needs to do this work. An explanation is not needed for ongoing machine maintenance or repair services. If there will be any adverse consequences to the Department if the contract/amendment is not executed, note here.

SECTION "M" - STATUTORY AUTHORITY FOR CONTRACTING OUT (EXCLUDES A&E CONTRACTING)

The California State Constitution states that work can only be contracted out if required services cannot be performed by state employees specifically authorized by statute. If you are aware of a law that specifically allows the Department to contract out for the service you are requesting, note in M and attach a copy of the statute. If you are not aware of a specific law, explain why the work cannot be done by State employees. Contracting out because "we don't have enough people" is **not** an allowable reason.

If you have not indicated a specific law that authorizes contracting out and this is not an Interagency Agreement authorized under Government Code (GC) 11256 or an A&E contract authorized under (Article 22 of the California Constitution), the services must be justified under GC 19130. The various provisions of GC 19130 are outlined below. Note any that applies to this request and explain why in M.

19130(a) Cost Savings. Use if the Department can save money by contracting out. The State Personnel Board (SPB) which has final approval authority over contracts justified under GC 19130(a) will review this. For purposes of the contract request, do an analysis comparing the cost of doing the work in-house vs. contracting out to demonstrate that a cost saving is likely. Base contract costs upon estimated figures from either the current or a similar contract or informal bids you have obtained from a potential bidder. After the contract is bid, you will need to do a final cost analysis using actual bid costs. Approval of a cost savings contract can take up to six months as SPB requests review of the analysis by appropriate labor unions.

19130(b)

- (1) The services are exempt from civil service by

Section 4, Article VII of the State Constitution. (Attach specific constitutional exemption).

- (2) The work is for a new state function and the Legislature has mandated or authorized the work to be contracted out. (Attach specific Legislative mandate).
- (3) The services are not available within civil service (including other State Departments), cannot be performed satisfactorily by civil service employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience and ability are not available through the civil service system.

Contracts let under (b)(3) must be one time or occasional in nature and it should be clear that they would not develop into an ongoing function. It may be necessary to verify with the Caltrans Personnel Office that there is no civil service classification to perform the duties.
- (4) The services are incidental to the purchase or lease of real or personal property. Such agreements normally come with the original purchase or lease of the property or equipment. An example of an allowable contract under this provision would be a contract to maintain rented computers in a new office until newly purchased computers arrive.
- (5) The intent of the service cannot be accomplished via civil service employees due to a conflict of interest or because there is a need for an unbiased outside perspective. This provision is used for expert witnesses but it may apply to other services.
- (6) The contracted work meets the standards for emergency appointments outlined in Article 8, Section 19888, Chapter 2.5 of Part 2.6 of the Government Code.

Emergency appointments cannot exceed 60 working days. The Caltrans Personnel Office should be contacted to verify compliance with the Government Code.

- (7) An outside attorney is needed to avoid a conflict of interest. Such contracts must be approved in writing by the Attorney General's Office (Legal Program Only).
- (8) The contractor will provide equipment, materials, facilities, or support services that could not feasibly be provided by the state in the location where the services are needed.

Example: The use of a contractor's staff and facilities to mail out a large, one-time mailing that could not be accommodated at the state's facility; remote geographical locations.

- (9) The contractor will conduct **training** courses for which appropriately qualified civil service instructors are not available. Trainers hired under this provision must be independent contractors who are paid based upon the product (not time worked) and must not be supervised by a state employee. Training must be the primary service provided. Permanent instructor positions in academies or similar situations must be filled through civil service appointments.

- (10) The services are of such an urgent, temporary or occasional nature that the delay incumbent in their implementation under civil service would frustrate their very purpose.

Contracts justified under (10) must clearly identify the specific issue, which makes the services urgent, temporary or occasional. Examples of urgency might be that the service will solve an unresolved safety issue on an ongoing construction project or the state's tort liability will be increased. Delay of project delivery, by itself, is **not** sufficient justification to utilize (10).

Temporary justification may apply if the contract is for less than six months or the service requires a less-than half time employee. Justification why a limited term or permanent intermittent employee cannot be used must be given. Amendments to contracts justified as temporary work are not easily approved.

If the urgency or temporary provisions are used, a plan for replacing the contractor with civil service employees must be developed and followed if applicable.

Services that are one time or occasional should not develop into ongoing work.

FOR A&E CONTRACTING, CITE CALIFORNIA CONSTITUTION, ARTICLE XXII AS THE STATUTORY AUTHORITY.

SECTION "N" - IDENTIFY THE METHOD REQUESTED FOR PROCUREMENT OR SELECTION OF THE CONTRACTOR

It is Caltrans' policy to competitively bid or competitively select service contracts. Sole source

contracts must be justified as an exception to this policy.

Check all boxes that apply:

Put an "X" in the box "INVITATION FOR BID (IFB)" when the requester knows exactly what is want or there is an industry standard for performing the work, but needs to know how much it will cost. If R/W single provider or property maintenance, also complete the appropriate sub-boxes.

Put an "X" in the box "REQUEST FOR PROPOSAL (RFP)" when the requester wants consultant services where the method of approach to the work can be creative (a product of the mind) and left to the proposer's expertise, and the proposer tells us how much they will charge. There are two RFP methodologies:

The two-envelope or primary process is the preferred method and consists of proposals being requested, reviewed, scored and then awarded to a qualified bidder based on the lowest cost.

The second process is the high-score or secondary RFP process and consists of proposals being requested, reviewed, scored and then awarded based on the highest score. The second method is strongly discouraged and a complete justification for use of this methodology must be attached. The justification for using this methodology must also be approved in writing by the Departmental Contract Officer (Chief of DPAC).

Put an "X" in the box marked "REQUEST FOR QUALIFICATIONS (RFQ)" when requesting consulting services for architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services. These services are procured under Government Code 4525.

Put an "X" in the box marked "SOLE SOURCE (SS)" if you wish to contract with a specific person or firm without benefit of competitive bidding. Provide the name, address and telephone number of the sole source contractor. (Justification for sole source approval is required and Agency approval, if applicable, must be attached to this form.) If the work was performed under emergency conditions, provide the firm name and any verbal bids obtained. When sole source is requested, list or attach a copy of the rates, rate schedules or cost proposal from the sole source firm.

If the contract is an Interagency Agreement or a contract with another government agency, provide the name, address and phone number of a Caltrans contact who is familiar with the work to be performed

and can authorize the work and assist in getting the contract signed.

To expedite sole source requests and to assist the Division of Procurement and Contracts (DPAC) contract analysts in completing sole source documentation for submittal to the Department of General Services (DGS), provide the following justification and attach additional sheet(s) as needed:

- Outline the services to be provided by the contractor, and provide background information on the events that have lead to the situation as it now exists.
- Provide a survey of the market place or a narrative of the efforts made to identify other similar services, including a summary of how you came to the conclusion that such alternatives are inappropriate and/or unavailable.

The market place survey at a minimum should consist of the following:

- Survey(s) of the applicable industry through research of trade associations, professional associations, yellow pages, Internet, trade journals, periodicals, etc.
- Actual interviews (through e-mail, written correspondence, phone calls, or, if possible, in-person) with industry representatives.
- Complete documentation of the market place survey results.
- Provide the city, county, state or the distance in miles from the requesting facility, if the sole source is requested for geographic reasons, and give reasons why location is a factor.
- Provide documentation of the unique position or qualification of the proposed contractor, and quantify the value by explaining how the state's best interest is served by this single source.
- Provide information as to the consequences if the sole source request is for an amendment, and the amendment is not approved (e.g. loss of funding, cannot meet project delivery timeline). Provide the circumstances that have changed since the original contract was executed that require an increase in funding, time, or both, or minor/minimal change in scope of work or services.

In addition to placing an "X" in the box marked "SOLE SOURCE (SS)", place an "X" in the box marked "Expert Witness (EW)" if the required services of a recognized expert are needed to prepare reports, do pre-trial work or give court

testimony for appraisal, tort, condemnation or other court cases.

In addition to placing an "X" in the box marked "SOLE SOURCE (SS)", place an "X" in the box marked "Fund Transfer Agreement (FTA)" if the required services involve a transfer of funds that pass through the Department to a local agency. FTAs are used exclusively for public mass transit guideways projects.

In addition to placing an "X" in the box marked "SOLE SOURCE (SS)", place an "X" in the box marked "RW Title and Escrow" if the required services of a title company are needed to prepare title reports, etc.

Put an "X" in the box marked "COMPETITIVE SELECTION" to comply with departmental policy to not limit competition even when legally permissible.

In addition to placing an "X" in the box marked "COMPETITIVE SELECTION", place an "X" in the box marked "Interagency Agreement (IA)" if the required services are both requested by and provided by a California state agency. Include contracts with the University of California and the California State University campuses.

In addition to placing an "X" in the box marked "COMPETITIVE SELECTION", place an "X" in the box marked "UC Master Research Technical Agreement (RTA)", if the required services are for research services provided under the Master Research Technical Agreement with the Regents of the University of California.

In addition to placing an "X" in the box marked "COMPETITIVE SELECTION", place an "X" in the box marked "Hotel/Conference Facility", if the services required are for hotel and conference facilities.

In addition to placing an "X" in the box marked "COMPETITIVE SELECTION", place an "X" in one of the boxes marked "DGS MSA or DPA OSCI" for a quick method of acquiring qualifying consultant services.

- Place an "X" in the box marked "Other" if none of the above apply. Explain.
- CMAS (Calif. Multiple Award Schedule): To procure qualifying services of a CMAS contractor, complete a Purchase Request Form ADM 1415, and submit it to DPAC. Do not complete a form ADM 0360.

**SECTION "O" - ATTACH LIST OF POSSIBLE
BIDDERS**

Provide the full business name, address and telephone number of known potential bidders and/or attach the list of certified DBE vendors obtained from the Business Enterprise Program, or for DVBE's, names can be obtained from the DGS Office of Small Business Certification and Resources website at: <http://www.osmb.dgs.ca.gov>. (See Section K, Instructions.) Attach an additional sheet of paper to this form if more space is necessary. (If verbal bids were obtained, provide all applicable bid information, i.e. rates, terms, etc.) DPAC does not routinely send a bid package to a current contractor. If you desire a bid from the current contractor, please list the business name, address and phone number of the current contract holder.